UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:17-cv-00212-RJC-DSC

CARLITA RAMOS,)	
Plaintiff,)	
v.)	ORDER
CAROLINA MOTOR CLUB, INC.,	Ì	
Defendant.)	
)	

THIS MATTER comes before the Court on Defendant Carolina Motor Club, Inc.'s Motion for Reconsideration of this Court's Order denying its Motion to Continue Docket Call/Trial. (Doc. No. 39). Defendant's Motion argues that the Court should continue this case's trial date because two key witnesses, Frank Tatum and Janet Watts, are unavailable during the July 30th trial week. (Doc. No. 39 at 3). In the Alternative, Defendant asks the Court for leave to conduct *de bene esse* depositions.

The Court finds no basis to delay the trial date of this case. Mr. Tatum departs from Charlotte to travel abroad on Wednesday, August 1, 2018. (Doc. No. 39-1 ¶4). The Court will accommodate Mr. Tatum to receive his testimony out of order on either July 30 or 31. Therefore, there is no conflict as to Mr. Tatum's schedule. Ms. Watts has committed to volunteering at a camp in Winston-Salem, North Carolina, the week of July 30th but the Court does not find such a conflict sufficient to justify delaying this trial. Winston-Salem is an hour and a half away from Charlotte. Ms. Watts' testimony can be taken with little inconvenience to her.

Despite the relative availability of its witnesses, the Court will grant Defendant additional depositions in the alternative if necessary.

IT IS, THEREFORE ORDERED, THAT Defendant's Motion for Reconsideration, (Doc. No. 39), is **GRANTED** in part and **DENIED** in part. The Court **DENIES** Defendant's request to continue trial but **GRANTS** Defendant's request for leave to conduct additional depositions of Mr. Tatum or Ms. Watts.

Signed: June 29, 2018

Robert J. Conrad, Jr.

United States District Judge